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Original

Sept. 18, 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

ORIGINAL FILE

In the Matter of	)	
	)	
Amendment of Section 97.9,	)	
97.107, 97.119, 97.201,	)	
97.203, 97.205, 97.207,	)	
97.301, 97.305, 97.307,	)	RM-
97.313, 97.501, 97.503,	)	
97.505, 97.507, 97.511,	)	
97.513	)	
License Restructuring of the	)	
Amateur Radio Service	)	

PETITION FOR RULE MAKING

By William C. Wells, WA8HSU, PG-19-19109 (ex P1-19-31448)

I. INTRODUCTION

1. In this "Petition for Rule Making" (Petition) it is proposed that the number of license classes be reduced to three and that Amateur Service licensees be given greater freedom to fully utilize the Amateur Service HF spectrum. It is further proposed that the term of the Amateur Service license be extended to the life of the holder unless it is either revoked by the Commission, superseded by a higher class license, or voluntarily submitted for cancellation by the licensee.

II. PROPOSAL

2. Reduce the number of license classes from five to three: Novice, Technician, and General. Licensees currently holding the Advanced Class and Amateur Extra Class would be allowed to retain their license class, though with no additional privileges above General Class.

3. Restructure the test elements as follows: Element 1 Morse Code at the rate of five words per minute, Element 2 rules and regulations, good Amateur radio practice, and Amateur station operating procedure (35 questions), Element 3 Safety (25 questions), and Element 4 covering the various technical topics of the current examination elements 2 and 3 (40 questions). The element 4 questions breaking down as follows: Radio wave propagation characteristics of the amateur service frequency bands, 4 questions; Electrical principals as applied to amateur station equipment, 8 questions; Amateur station equipment circuit components, 6 questions; Practical circuits employed in amateur

station equipment, 10 questions; Signals and emissions transmitted by amateur stations, 6 questions; Amateur station antennas and feed lines, 6 questions.

4. Change the license requirements as follows: The Novice Class License, elements 1, 2, and 3; the Technician Class License, elements 2, 3, and 4; the General Class License, elements 1, 2, 3, and 4.

5. The operator privileges of the three license classes as follows: The Novice Class modes A1A, J3E, R3E, and F3E in the 160 meter Amateur Service Band 200 watts PEP maximum; mode A1A in the 80-75 meter, 40 meter, and 15 meter Amateur Service Bands 200 watts PEP maximum; modes A1A, J3E, R3E, and F3E in the 10 meter Amateur Service Band 200 watts PEP maximum with no Special Operations privileges as described in Subpart C of the Rules; modes A1A, J3E, R3E, and F3E 25 watts PEP maximum on all Amateur Service frequencies between 30 MHz and 450 MHz with no Special Operations privileges as described in Subpart C of the Rules; the Technician Class full privileges in all Amateur Service frequencies above 30 MHz; the General Class full privileges in all Amateur Service frequencies; the old Advanced Class and Amateur Extra Class - same as General Class.

6. All Amateur Service licensees retain their current license classes except holders of a Technician Class license issued prior to February 14, 1991 and holders of a Technician Class license issued on or after February 14, 1991 who also hold a Certificate of Successful Completion of Examination indicating that element 1A has been successfully passed who may operate as if they were General Class until the expiration of their current license and who will be issued a General Class license upon renewal or modification.

7. All new Amateur Service licenses will be issued for the life of the holder unless revoked by the Commission, superseded by a higher class license, or submitted for voluntary cancellation by the licensee.

8. Holders of a current First or Second Class Radiotelegraph license or a license which has expired less then 5 years ago will receive element credit for elements 1 and 4. Holders of a current General Radiotelephone License or a license which has expired less then 5 years ago will receive element credit for element 4.

9. All band plans mandated by Commission Rules on Amateur Service frequencies below 30 MHz will be eliminated that is any mode which can be legally transmitted in the Amateur Service MF and HF spectrum may be transmitted anywhere within the Amateur Service MF and HF spectrum except in the 30 meter Amateur Service band which is limited to narrow bandwidth modes.

10. The attached appendix contains the proposed amendments to the Amateur Service Rules necessary to implement this proposal.

III. DISCUSSION

11. Since the petitioner is a holder of an Amateur Extra Class license this petition does not increase the spectrum available to the petitioner. The petitioner would, however, benefit from the removal of Commission mandated band plans on the HF bands.

12. Amateur radio presents a number of hazards to its followers that are unique such as high RF voltages and fields, high DC voltages with high stored energy, the hazards of antennas and towers, etc. Since Amateur Radio can be hazardous it is the duty of the Commission to prepare prospective licensees through the examination process to safely exercise the duties of an Amateur Service licensee. By devoting an entire examination element to safety this plan would promote safety awareness. Since the Amateur Radio press has had the sad duty to report on the death of several Amateur Service licensees including one holder of an Amateur Extra Class license in the last two years for failure to follow basic safety procedures the elevation of safety to a complete examination element unto itself is essential.

13. By having an examination element devoted to rules and regulations, good Amateur Radio Practice, and Amateur station operating procedure the amateur community could feed back problems of Rules compliance, poor Amateur Radio Practice, and poor operating procedure into the examination process. This would enhance Amateur Radio's long standing tradition of self regulation. This would also supply a ready made test element to test visiting foreign operators. (see PR Docket Number 92-167)

14. This petition remedies the injustice done to the General Class licensees of 1967 by restoring the privileges which these licensees had EARNED which were taken away as the result of the American Radio Relay League, Inc. (ARRL) sponsored Incentive Licensing Program.

15. The Amateur Radio Service of the United States has what is by far the worlds most complex license structure. Almost everybody agrees that the present license structure is overly complex and this petition provides the maximum reasonable simplification of the license structure and licensing process. Even the ARRL realizes that the present system is overly complex. David Sumner, the executive vice president of the ARRL stated in a letter to the petitioner dated December 13, 1990, "There is substantial agreement in principle with the idea that the present system is overly complex." (see exhibit A) The Commission would be relieved of the burden of processing many license upgrades, in fact the maximum would be one license upgrade per licensee per lifetime and eventually all license renewals. Since the Advanced Class and the Amateur Extra Class licenses would still technically exist, this plan

could be implemented without a software change. In this day of massive deficits we should seek every possible way to reduce the cost of government and this plan would certainly reduce the administrative cost of the Amateur Radio Service and allow the Commission to shift its resources to other services which, in general, need more regulation than the Amateur Radio service.

16. The ARRL's claim that "incentive licensing" would improve the quality of Amateur Radio service's Licensees has proven to be almost entirely untrue. What incentive licensing HAS lead to is in many cases unseemly displays of elitism among the higher class licensees on the HF bands. Also, the most egregious episodes of misbehavior on such frequencies as the legendary 14.313 MHz are committed by Advanced and Amateur Extra Class licensees. It has also lead to what is almost universally agreed to be an under utilization of the Amateur Service HF spectrum. Prior to the adoption of "incentive licensing" there was a much higher degree of utilization of the Amateur Service HF spectrum then exists today. A common saying in the 1960's was "as crowded as 75 on a Sunday afternoon." 75 meters is certainly not very crowded on Sunday afternoons now. The average age of Amateur Service licensees has been steadily rising since "incentive licensing" was adopted to such a degree that amateur radio was in real danger of becoming a geriatric hobby. This trend was reversed on frequencies above 30 MHz by the adoption of a codeless entry license but still exist below 30 MHz. It is also the opinion of this petitioner that there are many potentially fine amateur operators who have been discouraged by what they correctly perceive to be long climb to full participation in the Amateur Radio Service who have taken the easy way out and purchased amateur equipment which they operate between 27.405 and 28 MHz where they present a hopeless enforcement problem for the Commission.

17. The public would be better served by this licensing structure because there would certainly be a greater number of active Amateur Radio Service licensees with what would certainly be a greater diversity of interests to provide service from the routine of the various public functions that amateurs have always served such as sky watch nets and town festivals all the way up to providing communications when all other forms of communication have failed during major disasters.

18. The ARRL should be disqualified from any comment on this petition due to their vested interest in the present system. Not only are they responsible for the creation of the current system but they derive far more income from book sales then they do from members' dues. Prior to "Incentive Licensing" the ARRL published a single License Manual at a price of $2.50. Now they publish five license manuals which average about $10.00 each. This system would therefore reduce their income from the sales of licenses manuals dramatically. This is an unacceptable conflict of interest.

19. There is precedence in the history of amateur radio licensing in the United States for a 5 wpm Morse code test as a requirement for a license which gave to its holder full amateur privileges. From 1912 to 1919 the Amateur First Grade license required a 5 wpm Morse code test. This only went up to 10 wpm in 1919 and finally up to 13 wpm in 1936. The 5 wpm Morse code test proposed here meets the letter and the spirit of current ITU regulations. Since Morse code is no longer used by the military and is being phased out in the maritime service (see PR Docket Number 90-480) maintaining a pool of expert telegraphers is no longer a matter of national security.

20. This petition, if approved, would eliminate the controversy over element credit for the handicapped for the 13 or 20 wpm Morse code test as Morse code requirements above 5 wpm would no longer exist. (see letter from John B. Johnston to the W5YI VEC, dated August 28, 1992, Reply Refer to number 7230-D, exhibit B)

21. This petition, if approved, would bring the license requirements of the Amateur Radio Service of the United States in line with the requirements of most other countries.

22. Since the petitioner has taken both Amateur Radio exams through Amateur Extra Class and the exams for the First Class Radiotelephone License with Radar Endorsement, the petitioner can state positively that the commercial exams were far more difficult. If an applicant has passed commercial license requirements then element credit for the element 4 proposed here is in order.

23. By maintaining a band plan in the Rules the Commission has caused certain portions of the Amateur Service HF bands to be much more heavily utilized then other portions. Also in certain cases this has led to more interference and poorer spectrum utilization. As an example consider the situation on the 40 meter band. If a station on the US mainland wants to communicate with a station outside of ITU region 2 using radio telephone they must do so on two different frequencies. This is poor spectrum utilization and can led to needless interference. If given the opportunity to do so the US amateur community would align itself with the clearly recognized international voluntary band plans. This would also allow the flexibility to deal with changing band or operating conditions. On the 160 meter band such a system is in place now and the voluntary band plan is generally respected. On the 75 meter band even when there is overcrowding the recognized DX window of 3.790 MHz to 3.800 MHz is generally respected. Canadian amateur operators have had this freedom for some time and have generally observed the internationally recognized voluntary band plans.

24. By restricting Novice Class licensees in the manner proposed here they would be given a strong incentive to upgrade and they would be exposed to the general amateur population at the same time. This would also increase the utilization of the 160 meter and the 6 meter

Amateur Service bands which have the tendency to be underutilized.

25. A similar Petition for Rule Making filed by this petitioner in May of 1991 received favorable review in the Amateur Radio press. Favorable articles appeared in the W5YI Report (see exhibit C), the RP Report (see exhibit D), and elsewhere. The RP Report (an audio news letter) which rarely editorializes carried a story about the 1991 Petition for Rule Making which was unusual in two respects: Its length, almost 20 minutes (the average story in the RP Report is about 5 minutes) and the fact that the story contained about 1 minute of favorable editorial comment at the end. There are, therefore, influential members of the Amateur Radio community outside the ARRL which support most of the changes requested herein.

IV. APPENDIX

97.9 Operator License.

(a) There are 3 classes of operator licenses: Novice, Technician, and General. Holders of the old Advanced and Amateur Extra Class licenses will be allowed to retain their previous license class with no additional privileges above General Class privileges and will be considered as General Class licensees for the purposes of these Rules. All references to the General Class license within these Rules include Advanced Class and Amateur Extra Class as well as General Class. An operator license authorizes the holder to be the control operator of a station with the privileges of the operator class specified on the license. The license document or a photocopy thereof must be in the personal possession of the licensee at all times when the licensee is the control operator of a station. Holders of a Technician Class license issued prior to February 14, 1991 or a Technician Class license issued on or after February 14, 1991 who also hold a CSCE indicating successful completion of Element 1A are considered to be a General Class licensees under these Rules and may submit their license or license plus CSCE at any time up to two years after expiration to a VE team for element credit for a General Class license. The VE system will be the renewal vehicle for such licensees. The license term for all new operator licenses issued will be the life of the operator unless superseded by a higher class license, submitted for voluntary cancellation by the licensee, or revoked by the Commission.

(b) A person holding a Novice Class license who holds a CSCE indicating that the person completed the element 4 examination within the previous 365 days or a person holding a Technician Class license who holds a CSCE indicating that the person completed the element 1 examination within the previous 365 days may exercise the privileges of a General Class licensee.

97.107 Alien control operator privileges.
(a) (3) The applicable provisions of the Commission Rules, but not to

exceed the control operator privileges of an FCC-issued General Class license.

(b) (3) The applicable provisions of the Commission Rules, but not to exceed the control operator privileges of an FCC-issued General Class license; and

97.119 Station identification.

(e) When the control operator is a person who is exercising the rights and privileges authorized by 97.9(b) of this Part, the indicator "AG" must be included after the station call sign.

97.201 Auxiliary station.

(a) Any amateur station licensed to a holder of a Technician or General Class operator license may be an auxiliary station subject to the privileges of the class of operator license held.

97.203 Beacon station.

(a) Any amateur radio station licensed to a holder of a Technician or General Class operator license may be a beacon. A holder of a Technician or General Class operator license may be the control operator of a beacon, subject to the privileges of the class of the operator license held.

97.205 Repeater station.

(a) Any amateur station licensed to a holder of a Technician or General Class operator licensee may be a repeater. A holder of a Technician or General Class operator license may be the control operator of a repeater, subject to the privileges of the class of operator license held. The holder of a Novice Class operator license may use a repeater which is licensed to a Technician or General Class licensee including its user functions provided both its input and output frequency or frequencies are available to holders of a Novice Class operator license.

97.207 Space station.

(a) Any amateur station licensed to a holder of a Technician or General Class operator license may be a space station. A holder of a Technician or General Class operator license may be the control operator of a space station, subject to the privileges of the class of operator license held by the control operator.

97.301 Authorized frequency bands.

(a) For a station having a control operator holding a Technician or

General Class operator license:

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements See 97.303, Paragraph:
VHF	MHz	MHz	MHz	
6 m	---	50-54	50-54	(a)
2 m	144-146	144-148	144-148	(a)
1.25 m	---	222-225	---	(a)
UHF	MHz	MHz	MHz	
70 cm	430-440	420-450	420-450	(a), (b), (f)
33 cm	---	902-928	---	(a), (b), (g)
23 cm	1240-1300	1240-1300	1240-1300	(j)
13 cm	2300-2310	2300-2310	2300-2310	(a), (b), (j)
-do-	2390-2450	2390-2450	2390-2450	(a), (b), (j)
SHF	GHz	GHz	GHz	
9 cm	---	3.3-3.5	3.3-3.5	
5 cm	5.650-5.850	5.650-5.925	5.650-5.850	(a), (b), (m)
3 cm	10.00-10.50	10.00-10.50	10.00-10.50	(a), (b), (c), (i), (n)
1.2 cm	24.00-24.25	20.00-24.25	24.00-24.25	(a), (b), (i), (o)
EHF	GHz	GHz	GHz	
6 mm	47.0-47.2	47.0-47.2	47.0-47.2	
4 mm	75.5-81.0	75.5-81.0	75.5-81.0	(b), (c), (h)
2.5 mm	119.98-120.02	119.98-120.02	119.98-120.02	(k), (p)
2 mm	142-149	142-149	142-149	(b), (c), (h), (k)
1 mm	241-250	241-250	241-250	(b), (c), (h), (q)
---	above 300	above 300	above 300	(k)

(b) For a station having a control operator holding a General Class operator license:

Wavelength Band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements See 97.303, Paragraph:
MF	kHz	kHz	kHz	
160 m	1810-1850	1800-2000	1800-2000	(a), (b), (c)
HF	MHz	MHz	MHz	
80 m	3.50-3.75	3.50-3.75	3.50-3.75	(a)

30 m	10.10-10.15	10.10-10.15	10.10-10.15	(d)
20 m	14.00-14.35	14.00-14.35	14.00-14.35	
17 m	18.068-18.168	18.068.18.168	18.068-18.168	
15 m	21.00-21.45	21.00-21.45	21.00-21.45	
12 m	24.89-24.99	24.89-24.99	24.89-24.99	
10 m	28.0-29.7	28.0-29.7	28.0-29.7	

(c) (delete old (c))

(d) (delete old (d))

(e) (delete old (e))

(c) (renumber old (f) to (c))
For a station having a control operator holding a Novice Class operator License:

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements see 97.303, Paragraph:
MF	kHz	kHz	kHz	
160 m	1810-1850	1800-2000	1800-2000	(a), (b), (c)
HF	MHz	MHz	MHz	
80 m	3.50-3.75	3.50-3.75	3.50-3.75	(a)
75 m	3.75-3.80	3.75-4.00	3.75-3.90	(a)
40 m	7.0-7.1	7.0-7.3	7.0-7.1	(a)
15 m	21.00-21.45	21.00-21.45	21.00-21.45	
10 m	28.0-29.7	28.0-29.7	28.0-29.7	
VHF	MHz	MHz	MHz	
6 m	---	50-54	50-54	(a)
2 m	144-146	144-148	144-148	(a)
1.25 m	---	222-225	---	(a)
UHF	MHz	MHz	MHz	
70 cm	430-440	420-450	420-450	(a), (b), (f)

97.305 (c) A station may transmit the following emission types on the frequencies indicated, as authorized to the control operator, subject to the standards specified in 97.307 (f) of this Part.

Wavelength band	Frequencies	Emission types authorized	Standards See 97.307 (f) Paragraph:
MF:			

160 m	Entire band	RTTY, data	(3)
-do-	Entire band	Phone, image	(1), (2), (10)

HF:

80 m	Entire band	RTTY, data	(3), (9)
-do-	Entire band	Phone, image	(1), (2)
75 m	Entire band	RTTY, data	(3), (9)
-do-	Entire band	Phone, image	(1), (2)
40 m	Entire band	RTTY, data	(3), (9)
-do-	Entire band	Phone, image	(1), (2)
30 m	Entire band	RTTY, data	(3)
20 m	Entire band	RTTY, data	(3)
-do-	Entire band	Phone, image	(1), (2)
17 m	Entire band	RTTY, data	(3)
-do-	Entire band	Phone, image	(1), (2)
15 m	Entire band	RTTY, data	(3), (9)
-do-	Entire band	Phone, image	(1), (2)
12 m	Entire band	RTTY, data	(3)
-do-	Entire band	Phone, image	(1), (2)
10 m	Entire band	RTTY, data, MCW	(3), (9), (12)
-do-	Entire band	Phone, image	(1), (2), (10)

VHF:

6 m	50.1-51.0 MHz	MCW, phone, image, RTTY, data	(2), (5), (10)
-do-	51.0-54.0 MHz	MCW, phone, image, RTTY, data, test	(2), (5), (10)
2 m	144.1-148.0 MHz	MCW, phone, image, RTTY, data, test	(2), (5), (10)
1.25 m	Entire band	MCW, phone, image, RTTY, data, test	(2), (5), (10)

UHF:

70 cm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(6), (8), (10)

33 cm, 23 cm, 13 cm

NO CHANGE EXCEPT references to 97.307 (f)(12) change to 97.307 (f)(11)

SHF, EHF:

NO CHANGE EXCEPT references to 97.307 (f)(12) change to 97.307 (f)(11)

97.307 Emission Standards.

(f) (9) A station having a control operator holding a Novice Class operator license may only transmit a CW mission using the international Morse Code.

(f) (10) A station having a control operator holding a Novice Class operator license may only transmit a CW emission using the international Morse code or phone emissions J3E, R3E, and F3E.

(f) (11) Delete

(f) (12) Renumber to (f) (11)

(f) (12) MCW may only be used in the 10 meter Amateur Service band for identification of a station operating as a repeater or remote base.

97.313 Transmitter power standard.

(c) No station may transmit with a transmitter power exceeding 200 W PEP on:

(1) Below 30 MHz when the control operator is a Novice Class licensee.

(2) 10.10-10.15 MHz

(3) The 7.050-7.075 MHz segment when the station is within ITU Regions 1 or 3.

(d) No station may transmit with a transmitter power exceeding 25 W PEP between 30 MHz and 450 MHz when the control operator is a Novice Class licensee.

(e) Delete

(f) Renumber to (e)

(g) Renumber to (f)

97.501 Qualifying for an amateur operator license.

An applicant must pass an examination for the issuance of a new amateur operator license and for each change in operator class. Each applicant for the class of operator license specified below must pass, or otherwise receive credit for, the following examination elements:

(a) Novice Class license: Elements 1, 2, and 3;

(b) Technician Class license: Elements 2, 3, and 4;

(c) General Class license: Elements 1, 2, 3, and 4;

(d) The Advanced Class and Amateur Extra Class licenses are no longer available.

97.503 Element Standards.

(a) A telegraphy examination sufficient to prove that the examinee has the ability to send correctly by hand and to receive correctly by ear texts in the international Morse code at not less then 5 words per minute using all the letters, numerals 0-9, period, comma, question mark, slant mark, and the prosigns ar, bt, and sk. The test message will be a minimum of 5 minutes in length. Each letter counts as 1 character. Each punctuation mark, numeral, or prosign counts as 2 characters. The applicant passes if 25 consecutive characters are copied. If the applicant fails to copy 25 consecutive characters the VEs are to administer a 10 question fill in the blank or multiple choice quiz on the content of the message. The minimum passing score on the quiz is 7 questions answered correctly. In the case of a handicapped applicant the examiners will administer the examination at a place convenient and comfortable to the examinee, even bedside. For a deaf person, the dots and dashes can be sent to a vibrating surface or a flashing light. The examiners may read the questions to a blind person. The examiners also write for the examinee where the examinee is unable to do so. Where warranted, the examiners pause in sending the message after each sentence, each phrase, each word, or each letter to allow the examinee additional time to absorb and interpret what was sent. Also the examiners may substitute a sending test for a receiving test where the examinee's particular handicap precludes a receiving test.

(b) A written examination must be such as to prove that the examinee possesses the operational and technical qualifications required to safely and properly perform the duties of an amateur service licensee. Each written examination must be comprised of a question set as follows:

(1) Element 2: Rules and regulations, good Amateur radio practice, and Amateur station operating procedure (35 questions). The minimum passing score is 26 questions answered correctly.

(2) Element 3: Safety considerations for radio equipment, high voltage, antennas, RF fields, etc. (25 questions). The minimum passing score is 18 questions answered correctly.

(3) Element 4: Radio wave propagation characteristics, 4 questions; Electrical principals as applied to amateur station equipment, 8 questions; Amateur station equipment circuit components, 6 questions; Practical circuits employed in amateur station equipment, 10 questions; Signals and emissions transmitted by amateur stations, 6 questions; Amateur station antennas and feed lines, 6 questions; total 40 questions. The minimum passing score is 30 questions answered correctly.

97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following documents:

(1) A Novice Class license: Element 1, 2, and 3.

(2) A Technician Class license issued on or after February 14, 1991: Elements 2, 3, and 4.

(3) A Technician Class license issued on or after February 14, 1991 with a CSCE of any age indicating the applicant has passed element 1A: Elements 1, 2, 3, and 4. Such applicant will be processed for renewal of license as a General Class licensee without an examination.

(4) A Technician Class license issued prior to February 14, 1991: Elements 1, 2, 3, and 4. Such applicant will be processed for renewal of license as a General Class licensee without an examination.

(5) A photocopy of a FCC Form 610 which was submitted to the FCC indicating the examinee qualified for a Novice Class license within the previous 365 days: Element 1, 2, and 3.

(6) A CSCE: Each element the CSCE indicates the examinee passed within the previous 365 days.

(7) An unexpired (or expired less then 5 years) First or Second Class commercial radiotelegraph license: Elements 1 and 4.

(8) An unexpired (or expired less then 5 years) General Radiotelephone license: Element 4.

97.507 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee must be prepared by a VE holding an FCC-issued General Class license.

(b) Each question set administered to an examinee must utilize questions taken from the applicable question pool.

(c) All telegraphy and written examinations must be obtained from or prepared according to the instructions of the coordinating VEC.

(d) current paragraph e.

97.511 Technician Class or General Class examinations.

(a) All sessions must be coordinated by a VEC.

(b) Each examination for either the Technician Class or General Class license must be administered by 3 VEs who have a General Class license.

(c) The VEs must make a public announcement before administering examinations.

(d) The administering VEs must issue a CSCE to an examinee who scores a passing grade on an examination element.

(e) Within 10 days of the administration of a successful examination for either the Technician Class or General Class license the administering VEs must submit the application to the coordinating VEC.

97.513 Novice Class operator license examination.

(a) Each examination for a Novice Class operator license must be administered by 2 VEs. The VEs do not have to be accredited by a VEC. Each administering VE must hold a current FCC-issued General Class license.

Respectfully Submitted,

William C. Wells, WA8HSU
1312 West Wabash Avenue
Logansport, Indiana, 46947-4233
219-722-1338

THE AMERICAN RADIO RELAY LEAGUE, INC.
INTERNATIONAL SECRETARIAT OF THE INTERNATIONAL AMATEUR RADIO UNION
ADMINISTRATIVE HEADQUARTERS NEWINGTON, CONNECTICUT, U.S.A. 06111

EXHIBIT A

December 13, 1990

William C. Wells, WA8HSU
1312 West Wabash Avenue
Logansport, IN 46947-4233

Dear William:

Congratulations on qualifying for the Extra Class license. By doing so you join more than 50,000 amateurs who have done the same.

No doubt many of them share your feelings. Many others feel they've earned something that is equally available to anyone who wants to earn it, but that shouldn't be given away.

ARRL functions as a representative democracy to reconcile differences of opinion of this kind. Whether you agree with every decision that emerges from this process (and it would be pretty remarkable if you did), the process itself works pretty well. For example, over the past 15 years I can think of no issue on which the League has departed from the philosophy of protecting the privileges of presently licensed amateurs.

I encourage and invite you to become a part of the process through membership in the League. Whatever you may think of decisions made more than a generation ago, the League's elected Board these days is very responsive to membership input. One of the issues that has already been identified as needing a close look in the next couple of years is the complexity of the licensing structure. There is substantial agreement in principle with the idea that the present structure is overly complex. How to translate that principle into reality no doubt will be a subject of considerable study and discussion.

Thanks again for sharing your thoughts.

73,

Sincerely,

David Sumner, K1ZZ
Executive Vice President

EXHIBIT B

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
AUG 2 8 1992

In Reply Refer To:
7230-D

1700C1

Mr. Frederick O. Maia
The W5YI-VEC Program
P. O. Box 565101
Dallas, Texas 75356

Dear Mr. Maia:

This is in reply to your letter of August 21, 1992, asking how to handle complaints where element credit for the higher speed telegraphy examinations has been given to a severely handicapped examinee. Because of the many variables in each situation, we can only advise you in the most general terms as to the proper procedure to follow.

The general principle is that the volunteer examiners (VEs) and volunteer-examiner coordinators (VECs) must not question the medical judgment of the physician who certifies that the person is severely handicapped, and, therefore is unable to pass the higher speed telegraphy examinations. Where the complaint is based purely upon speculation, the VEC or VE can simply advise the complainant that the physician's medical judgment will not be questioned. If, on the other hand, there is substantial evidence that element credit was given improperly, the case should be referred to this office for investigation.

The two complaint letters that you enclosed with your letter will be reviewed by our office and appropriate action will be taken.

I trust this is responsive to your inquiry.

Sincerely,

John B. Johnston
Chief, Personal Radio Branch

RECEIVED

SEP 3 1992

SUNNYVALE VEC

EXHIBIT C (page 1 of 2)

W5YI REPORT, Vol. 13, # 14, July 15, 1991

Page 10, right column

PETITION FOR AMATEUR SERVICE RESTRUCTURING

William C. Wells, WA8HSU, of Logansport, Indiana, has submitted a rather interesting Petition for Rulemaking requesting that the FCC restructure the Amateur Service to provide for only two license classes. The well done petition (which runs to eight single-spaced type written pages) probably has little chance of acceptance since the FCC recently made a major alignment by adopting code-free entry in Amateur Radio.

Basically Wells wants to reduce the number of license classes from five to two: Restricted (or Code-free) Amateur Radio license and Amateur Radio License. The Restricted Amateur licensee would have all privileges above 30 MHz and the Amateur Radio licensee; same as today's Amateur Extra Class. There would be only four test elements instead of the present eight:

Element 1: 5 wpm telegraphy, ("The 5 wpm Morse code meets the letter and the spirit of current ITU regulations.")
Element 2: Rules and Regulations, Amateur practices and procedures, (35 questions/pass:26)
Element 3: Safety (25 questions/pass 18) and;
Element 4: Technical topics (50 questions/pass 37)

A licensee would have to pass Elements 2, 3, and 4 to obtain a Restricted Amateur license; Elements 1, 2, 3, and 4 would yield a full Amateur ticket. Presently licensed Amateurs who have passed a Morse code test (including Novice operators) would be grandfathered to the full Amateur Class. Code-less Technicians would convert to the new Restricted Amateur Class. Passing Element 1 (5 wpm code) qualifies a Restricted Amateur licensee to be a full Amateur. Applicants who hold a First or Second Class commercial radiotelegraph license would receive credit for Elements 1 and 4; General Radiotelephone license: Element 4.

Wells, who holds both Amateur Extra and First Class (now General) Radiotelephone licenses, points that he has nothing to gain if the FCC adopts his suggestion. He "...in fact, loses the exclusivity of the Amateur Extra Class subbands." He also believes his proposal "...remedies the injustice done to the General Class licensees of 1967 who had privileges which they had earned taken away as a result of the ARRL sponsored incentive licensing program."

Wells adds that "The ARRL be disqualified from any comment on this petition due to their vested interest in the present system. Not only are they responsible for the creation of the current system, but they derive far more income from book sales then they do from members' dues. This system would therefore reduce their income from the sales of license manuals. This is an unacceptable conflict of interest."

EXHIBIT D

RP Report August, 1991 (v. 5, #8) Editorial comment at the end of the first story. This story aired earily July 1991 on the RAIN Dialup Service and was heard on many VHF and UHF nets as well as on 160 meters on the WA0RCR Newsletter and on the HF bands on the K1MAN - IARN Newsletter.

19 minute news story about the petition followed by the following editorial:

"Editorial note: As a 25 year veteran of Amateur Radio I have seen a disturbing trend of late where new hams operating ten and two meters for the first time have little if any working knowledge of good amateur practice I.E. operating etiquette especially on repeaters. Now if we old timers arn't going to take the time and the initiative to teach our newcomers about proper procedures and repeater etiquette then it's up to the VE testing program to do so. Therefore, I strongly support Bill Wells restructuring proposal which would radically revamp the Amateur question pools to reflect the needs of Amateur Radio in the nineties and beyond. Oh, don't be surprised to see Bill's petition assigned an NPRM that is Notice of Proposed Rulemaking number by the Commission later this year. I'm Hap Holly, KC9RP, and this has been another RAIN special report. A production of RAIN, the Radio Amateur Information Network."